

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claims 1-9 are pending and under consideration.

CLAIM REJECTION – 35 USC 112

Claims 1-7 were rejected under 35 USC 112, second paragraph, as being indefinite. Appropriate correction has been made to claim 1.

Withdrawal of the foregoing rejection is requested.

CLAIM REJECTION -- 35 USC 103

Claims 1-8 were rejected under 35 USC 103(a) as being unpatentable over Lo (US 6,493,880) (hereinafter "Lo"). This rejection is traversed and reconsideration is requested.

Lo discusses an elastic headwear that comprises a cap 10 having a crown portion formed by a multi-gore shell 11. The multi-gore shell 11 is formed by a plurality of gores 12, 13, 14, 15, 16 and 17. An arched bill portion 18 is secured to a forward edge of the multi-gore shell 11 and extends outwardly therefrom. All gores (12, 13, 14, 15, 16 and 17) are composed of a uni-axially stretchable woven fabric, stretchable in a chordial direction around the head. An aperture may be provided in each gore 12, 13, 14, 15, 16 and 17 to allow the release of heat and moisture, thus providing ventilation to the cap 10. Lo, 3:61-4:6 and Figures 1 and 2.

Further in Lo, the crown of the cap and the outer surfaces of the bill are made of a woven or a knitted fabric that has a 6 cm range of stretchability at the length of 60 cm in the weft direction. Examples of fabrics commercially available include a stretchable cotton twill, a stretchable wool blend, a knitted fabric made of cotton or a synthetic fiber yarn with a small amount of spandex in the weft direction, and a material of blended spun yarn with 70% polyester and 30% wool with a small amount of spandex or the like in the weft direction. Lo, 4:64-5:12. At least a plurality of the gores in the front are composed of a stretchable fabric backed with a stiffening material. Lo, 6:35-6:38.

Claims 1-7

Claim 1 recites: "...at least one piece among the side pieces and rear pieces being made of a stretchable warp knitted mesh..." In contrast to claim 1, Lo does not disclose a stretchable warp knitted mesh. Lo specifically discloses a stretchable woven fabric, not a mesh. In Lo, if ventilation is provided, the ventilation is through an aperture formed in the gores. See Lo, 4:4-4:6. Claim 1 recites a stretchable warp knitted mesh that provides ventilation to a user.

Claim 1 further recites: "...the stretchable warp knitted mesh comprising at least one non-covered stretch yarn and a plurality of non-stretch yarns..." In contrast to claim 1, Lo employs a general spandex yarn. As such, Lo discusses a spandex covered yarn that defines a core usually composed of one spandex yarn, wrapped with a filament or spun yarn. Claim 1 recites one non-covered stretch yarn and a plurality of non-stretch yarns.

Claims 2-6 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

Claim 8

Claim 8 recites: "...at least one of the second portion and the third portion comprising a stretchable warp knitted mesh." In contrast to claim 8, Lo does not disclose a stretchable warp knitted mesh.

Withdrawal of the foregoing rejection is requested.

CLAIM REJECTION – 35 USC 103

Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Lo in view of Uno et al. (US 2004/0016041) (hereinafter "Uno"). This rejection is traversed and reconsideration is requested.

Uno discusses an undershirt featuring fabric in which a polyester or nylon yarn has been subjected to high bulky crimping. Uno, paragraph [0049].

Claim 9 recites: "...wherein the side pieces and rear pieces comprise a stretchable warp knitted mesh, the stretchable warp knitted mesh comprising: two non-stretch threads comprising a plurality of synthetic non-stretch yarns; and a stretch thread comprising at least one non-

covered stretch yarn and a plurality of non-stretch yarns, the non-covered stretch yarn being a textured yarn that has been treated to impart kinks, curls, or crimps to the individual filaments to enhance latent contraction thereof." In contrast to claim 9, Lo does not disclose a stretchable warp knitted mesh. This deficiency in Lo is not cured by Uno. Uno discusses an undershirt. There is no motivation to combine the undershirt of Uno with the headwear of Lo, nor is a statement of how Uno may be analogous to Lo found in the Office Action.

Further, the Office Action relies on Uno to discuss the textured yarn recited in claim 9. Again, the Applicant respectfully submits that Uno is nonanalogous to Lo and the present invention as recited in claim 9.

Withdrawal of the foregoing rejection is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

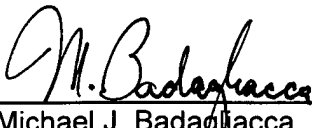
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 
Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501